ELGIN CITY COUNCIL AGENDA

ELGIN COMMUNITY CENTER — MAY 13, 1997

CALL TO ORDER 7:00 pm

APPROVE THE MINUTES of April 8, 1997 and April 29, 1997

SUPERVISORS REPORTS

Police	Dayton Sibley
Public works	Kyle Boylen
Library	Sandra Good
Fire	Pat McDonald
Ambulance	Merle Laci
Municipal court	Ralph Howell
Recorder	Joe Garlitz

HEARINGS
7:15 Variance to set-back, Leroy Short applicant
7:15 Vacation of portion of S.12th, Mike Bennett initiator
7:25 Vacation of Alley in Hug's Addition, Tom McDonald initiator

CITIZENS TO SPEAK
Jim Curry, City address maps

COMMITTEE REPORTS
- Administration: Councilors Cooper and Stover
- Public Works: Councilors McMullen and Churchill
- Public Safety: Councilors Short and Bennett

OLD BUSINESS
- Adopt procedure and accept forms for implementing tow/impound ord.
- Ordinance 117, Temporary change to curfew hours

NEW BUSINESS
- Resolution 1028, Creating a reserve fund for public works equipment
- Resolution 1029, Local Improvement District, Birch and 20th
- Resolution 1030, Local Improvement District, Carolyn Terrace
- Resolution 1031, Local Improvement District, N.13th
- Resolution 1032 Accept deed for alley in Block 60 Hindman's Add'n

CORRESPONDENCE
- Class action suite, SAIF
- UnCo Emergency Management Meeting
- Pacific Program
- CCIN, employee assistance program
- to: UnCo Dispatch, re: telephone outage

GOOD OF THE ORDER
- Approve bills

ADJOURN

CITY of ELGIN
COUNCIL MINUTES FOR MAY 13, 1997

COUNCILORS PRESENT-	Pat McMullen
	John Stover
	Berta Churchill
	Misty Bennett
	Leroy Short
	Rick Smith - Mayor
ABSENT	Kevin Cooper

Call to Order
The meeting was called to order at 7 pm by Mayor Rick Smith.

Approval of Minutes
The Mayor called for approval of the minutes of the meeting of April 8 and April 29. Councilor Churchill moved to approve the minutes as submitted, with Councilor Stover as second. The vote was unanimous for approval, motion carried.

Supervisors Reports
The Mayor called for the supervisors reports.

Police- Chief Sibley; absent, submitted a letter requesting addition of Shane Harris as a reserve police officer and requesting approval of the impound forms.

Public works- Kyle Boylen; absent, no report

Library- Sandra Good; absent, submitted a written report.

Fire- Chief McDonald; absent, no report.

Ambulance- Merle Laci; absent, no report.

Municipal Court- Ralph Howell; absent, court docket submitted.

Recorder/Administrator- Joe Garlitz, offered a packet of information on the "Sister City" program to any one interested. Councilor Bennett offered to review the information.

Committee Reports

Administration: Councilors Cooper and Stover, no report.

Public Works: Councilor McMullen and Churchill, no report.

Public Safety: Councilors Short and Bennett reported that they had reviewed the forms to be used to implement the impound/forfeiture ordinance. The forms are ready for Council's approval.

Old Business

Adopt procedure and accept forms for implementing impound ordinance.

Councilor McMullen moved to accept the forms to be used to implement the impound ordinance, with Councilor Short as second. The vote was unanimous for approval, motion carried.

Ordinance 117, Temporary change to curfew hours

Ordinance 117 providing a temporary change to the curfew hours was presented and read for the second reading. Councilor McMullen moved to adopt Ordnance 117 as read, with Councilor Bennett as second. The vote was unanimous for approval, motion carried.

7:15 Hearings

The time for scheduled hearing having arrived, Mayor Smith opened the hearing for the Short Variance.

Leroy Short has applied for a variance to the side yard standard. Councilor Short, being the applicant, removed himself from the panel of the Council noting his conflict of interest. Mr. Short then explained that he wished to build a garage in the back of his lot. In a normal corner lot situation the garage could be accessed from the side street. However, the creek along the south edge of his lot (along the right-of-way of Fresno Street) prevents access from Fresno. To properly access the garage, thus requires a driveway off of 11th necessitating placement of the garage inside the 15' side-yard set back.

Mr. Garlitz stated that all property owners within 300' of the lot had been notified by mail. No adverse comments have been received. Mr. & Mrs. Russell Hug responded stating they had no objections to the request. Mr. Garlitz stated further that the encroachment into the side yard set back on this lot would not adversely affect the city's operations since the creek provided a natural barrier between the lot and the street. No one else was present to comment on the application.

Councilor Stover moved to approve the variance as requested, with Councilor McMullen as second. Among those seated, the vote was unanimous for approval, motion carried, in consideration of the following findings:

a) The lot is a corner lot normally providing access to the rear of the lot from the side street;

b) The lot is isolated from the side street by the un-named creek within the right-of-way of Fresno Street;

c) Requiring the standard set-back for a side lot will not serve a public need since the creek provides a barrier between the property and the public street;

d) The variance is necessary to allow proper access to any garage located in the back of the lot;

d) The variance will not alter the overall use of the area.

Councilor Short returned to his seat on the Council.

7:20 Vacation of portion of South 12th Avenue.

Councilor Bennett removed herself from the panel of the Council noting a conflict of interest in that the vacation of the street would directly benefit her.

The portion to the street in question runs directly into a hill at the south end of 12 th Avenue. Mr. Garlitz noted that the vacation action was initiated by the Council months past, at the request of Mike Bennett. He stated that in order to cut a street through the hill on the right-of-way would require excavation wider than the existing street right-of-way, and further, once the street was constructed, it would not provide access to any properties. In short, the development of the right-of-way would not serve any public purpose.

Notice of the hearing to vacate the street has been published in the Elgin Recorder for four consecutive weeks, and notice has been posted at conspicuous locations on the street. No adverse comments have been received. No one was present to object to the vacation.

Councilor McMullen, noting that the Council should proceed with caution in vacating any rights-of-way, moved to vacate that portion of South 12th Avenue (Fir St.) platted between blocks 75 & 76 of Hindman's Addition to the City of Elgin, extending from the south line of Cedar Street ("F" St) southward to the north line of Dogwood (Broad St). Councilor Short was second to the motion. Among those seated, the vote was unanimous for approval, motion carried. Councilor Bennett returned to her seat on the Council.

7:25 Vacation of Alley in Hug's Addition.

At the request of Tom McDonald, the Council has initiated vacation proceedings for the alley located along the north edge of Grande Ronde Estates and extending from Palmer Junction Road east to the railroad. Notice of the hearing to vacate the alley has been published in the Elgin Recorder for four consecutive weeks, and notice has been posted at conspicuous locations on the alley. Several letters objecting to the vacation have been presented to the Council.

Tom McDonald stated that he would like the alley, which boarders the south side of his property, vacated because it is not developed and with the utility poles in the right-of-way it would not allow enough width for vehicle traffic. The right-of-way is been blocked by several vehicles and the terrain at 8th Avenue is impossible to negotiate. Greg Horrell stated his approval for vacation, indicating that if developed, the alley would be right against his shed and would cause water to run though his out buildings.

Tammy Woolcutt stated her objections to the vacation, informing the council that during a previous vacation for a street in the vicinity, they were assured that the alley would not be vacated. The alley provides the only possible access to her back yard, as there is a retaining wall across the entire lot immediately behind her house.

Dennis Cross stated his objections to the vacation, noting that as the properties adjacent to the alley are developed, access to the rear of the lots and right-of-way for utilities would be required.

Elgin TV Association has submitted a letter objecting to the vacation of the alley, as they require access to their service lines along the alley way.

A lengthy discussion ensued. Councilor Stover moved to table action on the matter until the next meeting, with Councilor Churchill as second. The vote was unanimous for approval, motion carried. Mayor Smith call for a meeting at the alley at 7:00 Wed. evening May 14 for the purpose of inspecting the alley way.

Citizens to Speak

Jim Currey presented addressed maps of the City to the Council as had been requested. The maps are complete showing all structures and addresses thereof.

Chris Reis, Tom Arrand and Glenn Clark were present to request that the Council consider adjusting the standards for mobil/manufactured homes. Many old mobile homes are being placed on minimum (5,000 sq.ft.) lots. They feel that this action will have a long term detrimental effect on the quality of housing, the safety of the residents and the overall value of properties in Elgin. After discussion, Mayor Smith asked Mr. Clark to head-up an ad hoc committee to study the issue and report back to the Council.

New Business

Resolution 1028, Creating a reserve fund for public works equipment was presented to the Council. The reserve fund was budgeted in the 1996/97 budget, however, the fund has not been formalized. Councilor McMullen moved to approve Resolution 1028 as presented, with Councilor Churchill as second. The vote was unanimous for approval, motion carried.

8:45 Councilor Churchill left the meeting.

Mr. Garlitz presented an ordinance for the vacation of the portion of South 12 Avenue that the Council previously moved to vacate. The ordinance was read for the first reading.

Scott Ludwig has presented a request for $50 for swimming lesson scholarships. A scholarship fund is being created as a memorial to Bud Rogers. It will provide two scholarships for swim lessons. The fund has pledges of $1,000, and the interest on this money will provide the scholarships. However, to initiate the scholarships this year, Mr. Ludwig is asking the Council to provide the initial $50. After discussion Councilor McMullen moved to approve $50 for the initial scholarships, with Councilor Bennett as second. The vote was unanimous for approval, motion carried.

Resolutions 1029, 1030 and 1031 declaring a Local Improvement Districts for: Birch and 20th, Carolyn Terrace and N. 13th Avenue, respectively were presented. The improvement districts are for chip-sealing the streets therein defined. The property owners have been sent an informational letter in this regard. The resolutions call for hearings at the next regular council meeting. Councilor Stover moved to approve resolutions 1029, 1030 and 1031 as presented, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Resolution 1032 accepting a deed for the property that constitutes the alley running behind the Sommers building and the Elgin Fraternal Building in Block 60 Hindman's Addition was presented to the Council. The resolution accepts the property as a public right-of-way stating that the City will not improve the alley beyond its present condition. Councilor Stover moved to approve the resolution accepting the property, with Councilor McMullen as second. The vote was unanimous for approval, motion carried.

Correspondence

The following correspondence was noted:

Class action suite settlement with SAIF Corporation,
UnCo Emergency Management Meeting,
Pacific Program leadership training,
CCIN, employee assistance program announcement,
and a letter to the UnCo Dispatch, regarding telephone outages in the Elgin area.

No action was taken.

Good of the Order

Councilor Stover stated that he had reviewed the bills. Councilor McMullen moved to approve the bills as presented, with Councilor Short as second. The vote was unanimous for approval, motion carried.

Councilor Stover moved to adjourn, with Councilor Short as second. The vote was unanimous for approval, motion carried, meeting adjourned.

Minutes respectfully submitted;

Joe Garlitz, Recorder/Administrator